

Decision **DRAFT DECISION OF COMMISSIONER PEEVEY** (Mailed 8/8/2006)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
for Authority to Increase Revenue Requirements  
to Recover the Costs to Deploy an Advanced  
Metering Infrastructure.

(U 39 E)

Application 05-06-028  
(Filed June 16, 2005)

**ORDER MODIFYING DECISION 06-07-027****I. Summary**

This order modifies Decision (D.) 06-07-027 upon the Commission's own motion to restore a portion of the decision deleted from the Administrative Law Judge's (ALJ) proposed decision. This language describes possible customer load management applications that might be offered in the future on a competitive basis by nonutility providers in conjunction with Pacific Gas and Electric Company's (PG&E) Advance Metering Infrastructure (AMI) network architecture.

**II. Discussion**

On July 20, 2006, the Commission issued D.06-07-027. This decision authorized PG&E to deploy an AMI network. The ALJ's proposed decision in this matter contained the following discussion as the first sentence of the second paragraph under the hearing "7.2 Open Architecture:"

"We need not disclose the confidential terms but we are satisfied that the contracts between PG&E and the vendors contain adequate provision for technology licensing at fair



prices that will promote the development of new products and services, *including the possibility of customer-owned equipment that can serve as an internet gateway, or other such products and services that may be offered in the future, compatible with PG&E's AMI network architecture.*" (Emphasis added.)

The final decision issued in this matter, D.06-07-027, deleted the language italicized above (italicized language) in response to comments.<sup>1</sup> Upon further reflection, we believe it appropriate to include the italicized language in order to set forth some of the possibilities of products and services that may be offered in the future on a competitive basis by nonutility providers. We therefore modify D.06-07-027 on our own motion to include the italicized language in Section 7.2.

### **III. Comments on Draft Decision**

The draft decision of President Peevey in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. No comments were filed.

### **IV. Assignment of Proceeding**

Michael R. Peevey is the Assigned Commissioner and Douglas M. Long is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. The ALJ's proposed decision in this matter contained a discussion in the first sentence of the second paragraph under the heading "7.2 Open Architecture" containing the italicized language set forth in the body of this decision.

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<sup>1</sup> Division of Ratepayer Advocates, comments p. 5, and PG&E's reply comments, p. 3.

2. The italicized language was deleted from D.06-07-027 in response to comments.

3. We believe it appropriate to include the italicized language in D.06-07-027 in order to set forth some of the possibilities of products and services that may be offered in the future on a competitive basis by nonutility providers.

### **Conclusions of Law**

1. D.06-07-027 should be modified to include the italicized language in the first sentence of the second paragraph of Section 7.2 in order to set forth some of the possibilities of products and services that may be offered in the future on a competitive basis by nonutility providers.

2. The first sentence of the second paragraph under the heading “7.2 Open Architecture” in D.06-07-027 should be modified as set forth in the ordering paragraphs.

## **O R D E R**

### **IT IS ORDERED** that:

1. Decision 06-07-027 is modified as set forth below.
2. The first sentence of the second paragraph under the heading “7.2 Open Architecture” is modified to read as follows:

“We need not disclose the confidential terms but we are satisfied that the contracts between PG&E and the vendors contain adequate provision for technology licensing at fair prices that will promote the development of new products and services, including the possibility of customer-owned equipment that can serve as an internet gateway, or other such products and services that may be offered in the future, compatible with PG&E’s AMI network architecture.”

3. Application 05-06-028 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**INFORMATION REGARDING SERVICE**

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Dated August 8, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

**Last Update on 17-JUL-2006 by: SMJ  
A0506028 LIST**

\*\*\*\*\* APPEARANCES \*\*\*\*\*

Kevin Golden  
Attorney At Law  
ADAMS, BROADWELL, JOSEPH & CARDOZO  
601 GATEWAY BLVD., SUITE 1000  
SOUTH SAN FRANCISCO CA 94080  
(650) 589-1660  
kgolden@adamsbroadwell.com  
For: CUE - Coalition of California Utility Employee

James Weil  
Director  
AGLET CONSUMER ALLIANCE  
PO BOX 37  
COOL CA 95614  
(530) 885-5252  
jweil@aglet.org  
For: Aglet Consumer Alliance

Paul Angelopulo  
Legal Division  
RM. 5031  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-4742  
pfa@cpuc.ca.gov  
For: ORA

Michael E. Boyd  
President  
CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
5439 SOQUEL DRIVE  
SOQUEL CA 95073  
(408) 891-9677  
michaelboyd@sbcglobal.net  
For: Californias for Renewable Energy, Inc.

Jeffrey P. Gray  
Attorney At Law  
DAVIS WRIGHT TREMAINE, LLP  
ONE EMBARCADERO CENTER, SUITE 600  
SAN FRANCISCO CA 94111  
(415) 276-6581  
jeffgray@dwt.com  
For: South San Joaquin Irrigation District

William B. Marcus  
JBS ENERGY, INC.  
311 D STREET, SUITE A  
WEST SACRAMENTO CA 95605  
(916) 372-0534  
bill@jbsenergy.com.  
For: Yolo County and Cities of Davis, West Sacramento  
and Woodland

J. Michael Reidenbach  
Attorney At Law  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442, MAIL CODE B30A  
SAN FRANCISCO CA 94120  
(415) 973-2491  
jmrb@pge.com  
For: Pacific Gas and Electric Company

Karen P. Paull  
Legal Division  
RM. 4300  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2630  
kpp@cpuc.ca.gov  
For: ORA

Charles Manzuk  
SAN DIEGO GAS & ELECTRIC  
8330 CENTURY PARK COURT, CP 32D  
SAN DIEGO CA 92123  
(858) 636-5548  
cmanzuk@semprautilities.com  
For: San Diego Gas & Electric

Justin D. Bradley  
Director  
SILICON VALLEY LEADERSHIP GROUP  
224 AIRPORT PARKWAY, SUITE 620  
SAN JOSE CA 95110  
(408) 501-7864  
jbradley@svlg.net

**\*\*\*\*\* SERVICE LIST \*\*\*\*\***

**Last Update on 17-JUL-2006 by: SMJ  
A0506028 LIST**

Chris King  
EMETER STRATEGIC CONSULTING  
1 TWIN DOLPHIN DRIVE  
REDWOOD CITY CA 94065  
(650) 631-7230  
chris@emeter.com  
For: EMETER CORPORATION

Scott H. Debroff  
SMIGEL, ANDERSON & SACKS  
RIVER CHASE OFFICE CENTER  
4431 NORTH FRONT STREET  
HARRISBURG PA 17110  
(717) 234-2401  
sdebroff@sasllp.com  
For: Hunt Technologies, Inc, and Cellnet Technology, Inc.

Michael Rochman  
SPURR  
1430 WILLOW PASS ROAD, SUITE 240  
CONCORD CA 94520  
(925) 743-1292  
Service@spurr.org  
For: School Project for Utility Rate Reduction

Moises Chavez  
Energy Division  
AREA 4-A  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1851  
mcv@cpuc.ca.gov

Nina Suetake  
Attorney At Law  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVE., STE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876  
nsuetake@turn.org

Christopher Danforth  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1481  
ctd@cpuc.ca.gov

**\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\***

Christopher J. Blunt  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1779  
cjb@cpuc.ca.gov

Marshal B. Enderby  
Division of Ratepayer Advocates  
RM. 4205  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2769  
mbe@cpuc.ca.gov

Michael Messenger  
CALIFORNIA ENERGY COMMISSION  
1516 9TH STREET  
SACRAMENTO CA 95814  
(916) 654-4774  
Mmesseng@energy.state.ca.us  
For: California Energy Commission

Anthony Fest  
Division of Ratepayer Advocates  
RM. 4205  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-5790  
adf@cpuc.ca.gov

Andrew Campbell  
Executive Division  
RM. 5304  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2501  
agc@cpuc.ca.gov

Julie A. Fitch  
Executive Division  
RM. 5203  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 355-5552  
jf2@cpuc.ca.gov



**\*\*\*\*\* SERVICE LIST \*\*\*\*\*****Last Update on 17-JUL-2006 by: SMJ  
A0506028 LIST**

Cherie Chan  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1546  
cyc@cpuc.ca.gov

Rami Kahlon  
Executive Division  
RM. 5215  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1175  
rsk@cpuc.ca.gov

Robert Kinosian  
Division of Ratepayer Advocates  
RM. 4205  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1500  
gig@cpuc.ca.gov

Scarlett Liang-Uejio  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2043  
scl@cpuc.ca.gov

Douglas M. Long  
Administrative Law Judge Division  
RM. 5023  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-3200  
dug@cpuc.ca.gov

Ralph E. Abbott  
PLEXUS RESEARCH, INC.  
629 MASSACHUSETTS AVE  
BOXBOROUGH MA 01719-1528  
(978) 263-6080  
rabbott@plexusresearch.com  
For: PLEXUS RESEARCH, INC.

Theodore H Geilen  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1235  
u19@cpuc.ca.gov

Louis M. Irwin  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-1225  
lmi@cpuc.ca.gov

Thomas M. Renaghan  
Division of Ratepayer Advocates  
RM. 4205  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2107  
tmr@cpuc.ca.gov

**\*\*\*\*\* INFORMATION ONLY \*\*\*\*\***

Marc D. Joseph  
Attorney At Law  
ADAMS, BROADWELL, JOSEPH & CARDOZO  
601 GATEWAY BLVD., STE. 1000  
SOUTH SAN FRANCISCO CA 94080  
(650) 589-1660  
mdjoseph@adamsbroadwell.com

Reed V. Schmidt  
BARTLE WELLS ASSOCIATES  
1889 ALCATRAZ AVENUE  
BERKELEY CA 94703-2714  
(510) 653-3399  
rschmidt@bartlewells.com

CALIFORNIA ENERGY MARKETS  
517-B POTRERO AVENUE  
SAN FRANCISCO CA 94110-1431  
(415) 552-1764  
shaunao@newsdata.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

**Last Update on 17-JUL-2006 by: SMJ  
A0506028 LIST**

Anne W. Premo  
Energy Division  
770 L STREET, SUITE 1050  
Sacramento CA 95814  
(916) 324-8683  
awp@cpuc.ca.gov

Edgar A. Quiroz  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102  
(415) 703-2376  
eaq@cpuc.ca.gov

Edward W. O'Neill  
Attorney At Law  
DAVIS WRIGHT TREMAINE, LLP  
ONE EMBARCADERO CENTER, SUITE 600  
SAN FRANCISCO CA 94111-3834  
(415) 276-6582  
edwardoneill@dwt.com

Larry Colton  
ECHELON CORPORATION  
550 MERIDIAN AVE.  
SAN JOSE CA 95126  
(408) 790-3142  
LColton@echelon.com

Barry Eisenberg  
1032 IRVING STREET, NO. 257  
SAN FRANCISCO CA 94122  
barryeisenberg@comcast.net

John C. Gabrielli  
GABRIELLI LAW OFFICE  
430 D STREET  
DAVIS CA 95616  
(530) 753-0869  
gabriellilaw@sbcglobal.net

Tony Foster  
ITRON INC.  
1111 BROADWAY, STE 1800  
OAKLAND CA 94607  
(510) 844-2822  
tony.foster@itron.com

Karen Norene Mills  
Attorney At Law  
CALIFORNIA FARM BUREAU FEDERATION  
2300 RIVER PLAZA DRIVE  
SACRAMENTO CA 95833  
(916) 561-5655  
kmills@cbbf.com  
For: CALIFORNIA FARM BUREAU FEDERATION

Lynne Brown  
CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
24 HARBOR ROAD  
SAN FRANCISCO CA 94124  
(415) 285-4628  
l\_brown123@hotmail.com

Robert Sarvey  
Treasurer Care  
CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
501 W. GRANTLINE RD  
TRACY CA 95376  
(209) 835-7162  
sarveybob@aol.com

MRW & ASSOCIATES, INC.  
1999 HARRISON STREET, SUITE 1440  
OAKLAND CA 94612  
(510) 834-1999  
mrw@mrwassoc.com

PACIFIC GAS AND ELECTRIC COMPANY  
LAW DEPARTMENT FILE ROOM  
PO BOX 7442  
SAN FRANCISCO CA 94120-7442  
lawcpuccases@pge.com

Bonnie W. Tam  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B8R  
SAN FRANCISCO CA 94105  
(415) 972-5509  
bwt4@pge.com

David Rochefort  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET MC B8R  
SAN FRANCISCO CA 94105  
(415) 973-9215  
DJRo@pge.com

## \*\*\*\*\* SERVICE LIST \*\*\*\*\*

**Last Update on 17-JUL-2006 by: SMJ**  
**A0506028 LIST**

Jeff Nahigian  
GAYATRI SCHILLBERG  
JBS ENERGY, INC.  
311 D STREET  
WEST SACRAMENTO CA 95605  
(916) 372-0534  
jeff@jbsenergy.com

Joshua A.H. Harris  
LAW OFFICES OF STEPHAN C. VOLKER  
436 14TH STREET, SUITE 1300  
OAKLAND CA 94612  
(510) 496-0600  
jharris@volkerlaw.com

David Marcus  
PO BOX 1287  
BERKELEY CA 94701  
(510) 528-0728  
dmarcus2@sbcglobal.net

Shirley Woo  
Attorney At Law  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442  
SAN FRANCISCO CA 94120  
(415) 973-2248  
saw0@pge.com

Susan Dowling  
PACIFIC GAS AND ELECTRIC COMPANY  
MC B10A  
77 BEALE STREET  
SAN FRANCISCO CA 94105  
SEB4@PGE.COM

Lisa Weinzimer  
California Energy Reporter  
PLATTS  
695 NINTH AVENUE, NO. 2  
SAN FRANCISCO CA 94118  
(415) 387-1025  
lisa\_weinzimer@platts.com

Laura Rooke  
Sr. Project Manager  
PORTLAND GENERAL ELECTRIC  
121 SW SALMON ST.,  
PORTLAND OR 97204  
(503) 464-7017  
laura.rooke@pgn.com  
For: PORTLAND GENERAL ELECTRIC

Jana Corey  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 770000  
SAN FRANCISCO CA 94105  
jrcj@pge.com

Julianna Gassman  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE ST., MC B8R  
SAN FRANCISCO CA 94105  
JxGb@pge.com

Larry Nixon  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, B8R  
SAN FRANCISCO CA 94105  
(415) 973-5450  
lrn3@pge.com

Peter Ouborg  
Attorney At Law  
PACIFIC GAS AND ELECTRIC COMPANY  
PO BOX 7442 MAIL CODE B30A  
SAN FRANCISCO CA 94120  
(415) 973-2286  
pxo2@pge.com

Janet Combs  
Attorney At Law  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVENUE  
ROSEMEAD CA 91770  
(626) 302-1524  
janet.combs@sce.com  
For: SOUTHERN CALIFORNIA EDISON COMPANY

Patricia Thompson  
SUMMIT BLUE CONSULTING  
1766 LACASSIE AVE. STE 103  
WALNUT CREEK CA 94596  
(925) 935-0270  
pthompson@summitblue.com

Patrick J. Forkin Iii  
TEJAS SECURITIES  
7700 BONHOMME AVE. STE 575  
CLAYTON MO 63105  
(314) 862-2437  
pforkin@tejassec.com  
For: TEJAS SECURITIES

**\*\*\*\*\* SERVICE LIST \*\*\*\*\***

**Last Update on 17-JUL-2006 by: SMJ  
A0506028 LIST**

Shawn Smallwood, Ph.D.  
109 LUZ PLACE  
DAVIS CA 95616  
(530) 756-4598  
puma@davis.com

Bruce Foster  
Vice President  
SOUTHERN CALIFORNIA EDISON COMPANY  
601 VAN NESS AVENUE, STE. 2040  
SAN FRANCISCO CA 94102  
(415) 775-1856  
bruce.foster@sce.com

Case Administration  
SOUTHERN CALIFORNIA EDISON COMPANY  
ROOM 370  
2244 WALNUT GROVE AVENUE  
ROSEMEAD CA 91770  
(626) 302-4875  
case.admin@sce.com  
For: SOUTHERN CALIFORNIA COMPANY

Marcel Hawiger  
Attorney At Law  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876  
marcel@turn.org

Tom D. Tamarkin  
UTILITIES SERVICES CUSTOMER LINK  
2737 EASTERN AVENUE  
SACRAMENTO CA 95821  
(916) 482-2000  
tdtamarkin@usclcorp.com